Minutes Approved 12/14/22
Distributed 12/15/22

April 13, 2022

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

Members Present: H. Martin, Jr., J. Kennedy, A. Supon

Members Absent: D. Maglich, T. Spada, C. LaRusso

Also Present: B. Penberthy, Esq.

Mr. Martin, Jr. opened the meeting with a quorum at 6:00pm. The meeting was held in the Municipal Building Court room, 8787 Erie Road, Angola, New York 14006.

Mr. Martin, Jr. explained the procedure in which the meeting will be conducted. The procedures are that old business matters are heard first and then appeals are heard according to the order of publication in The Dunkirk Observer. The staff report prepared by the building inspector is read. The board has had your file for a week. We have had an opportunity to review your appeal. The appellant is then given the opportunity to speak, and then those in favor or in opposition are allowed to speak. After hearing the respective matters, the Board will either vote or reserve the right pursuant to our local statue to adjourn to executive session to deliberate. Motions granting and rejecting appeals are voted upon in the public portion of the meeting.

Mr. Martin, Jr. made a motion to table the minutes from March 9, 2022, seconded by Mr. Kennedy. All in favor, motion carried.

New Business:

Tim Kent, 40 Fernott Dr., Lancaster, NY 14086, is requesting a variance to construct a single family dwelling at 339 Roat Drive, SBL#220.09-4-35, in violation of Town of Evans Zoning Law Section 200-10-C (1) (a) [1] minimum lot area and Section 200-10 C (1) (b) [1] minimum width of a lot.

This appeal was before and granted by the ZBA on April 2021. The applicant is requesting to reduce the minimum lot width and minimum lot area in order to build a home. There was a dilapidated home on the property that was demolished in 2008. The proposed lot does not meet the required minimum lot width or lot area of a buildable lot in R1 zoning district. The applicant is requesting to reduce the required minimum lot width from 90' to 50' and minimum lot area from 12,150 sqft to 7000 sqft, in violation of Town of Evans Zoning law section 200-10 C (1) (a) [1] minimum lot area and 200-10-C (1) (b) [1] minimum lot width.

Present for the appeal was Tim Kent.

Mr. Kent stated he was approved for a variance last year but with COVID, had to wait to construct the house. Mr. Martin, Jr. asked what would be the size of the house and the location on the lot. Mr. Kent stated the house would be 30x50 two story structure with a garage on the first floor and living space upstairs. The house will go on the exact footprint of the previous house.

No one spoke for or against the appeal.

Mr. Martin, Jr. made a motion to approve, seconded by Mr. Kennedy.

All in favor:

Mr. Martin, Jr., aye	**Mr. Maglich, absent**
Ms. Spada, absent	**Mr. Kennedy, aye**
Mr. LaRusso, absent	**Mr. Supon, aye**

Steven Andres, 10837 Main Street, Clarence NY 14031, is requesting to construct a front porch at 222 Kennedy Ave., Angola SBL# 250.09-2-24, in violation of Town of Evans Zoning Law Section 200-12 C (1) (f) [1] front yard setback

Applicant is requesting to reduce his front yard setback from 25 to 19.07', in violation of the Town of Evans Zoning Law Section 200-12 C (1) (f) [1].

The applicant has construct a front porch at 222 Kennedy Ave., Angola NY 19.07' from the front lot line.

Present for the appeal was Steven Andres.

Mr. Martin, Jr. asked the applicant if he is remodeling the whole house. Mr. Andres stated yes, the house has been an eyesore for months. He would like to build the front porch for the looks of the house and to be able to sit there and see the lake. Mr. Martin, Jr. stated there appears to be no open porches in the area but there are enclosed porches.

Joe Ryder, 1363 Marvel Rd, spoke in favor of the appeal.
Liz Logan, 228 Kennedy Ave stated the porch would block her view of the lake.

Mr. Martin, Jr. asked where her house is relative to the applicant's house. Ms. Logan stated two houses down. Mr. Andres stated he would not want to block Ms. Logan's view and will work with her on a compromise.

Mr. Kennedy made a motion to approve, seconded by Mr. Supon.

All in favor:

Mr. Martin, Jr., aye	**Mr. Maglich, absent**
Ms. Spada, absent	**Mr. Kennedy, aye**
Mr. LaRusso, absent	**Mr. Supon, aye**

John Latimore aka Latimore Schiavone Funeral Home, 8434 North Main Street., Angola NY 14006, is requesting to construct a garage on SBL# 235.07-2-1.2, in violation of Town of Evans Zoning Law Section 200-10 B (1) principle structure and 200-17 (4) size.

Applicant is requesting to construct a 1200 sqft. garage on a lot without a principle structure, the funeral home is located across the street, in violation of the Town of Evans Zoning Law Section 200-10 B (1), and 200-17 A (4) size of accessory structure.

The applicant would lie to construct a 1200 sqft. garage across the street, Erie County tax mapping will not merge the lots due to the angle of the lots (they are not directly across from each other).

Present for the appeal was John Latimore.

Mr. Latimore stated he wants build a garage across the street to clean up the equipment he has. He has sheds on his current property but is having issues with flooding in that area. Mr. Martin, Jr. stated since the parcels are not perfectly aligned, Erie County would not merge the parcels.

No one spoke for or against the appeal.

Mr. Kennedy made a motion to approve, seconded by Mr. Supon.

All in favor:

Mr. Martin, Jr., aye	**Mr. Maglich, absent**
Ms. Spada, absent	**Mr. Kennedy, aye**
Mr. LaRusso, absent	**Mr. Supon, aye**

Cathleen Evan, 1175 Backus Road, Derby, NY 14047, is requesting to construct a single family dwelling on SBL# 221.00-5-6.3, in violation of Town of Evans Zoning Law Section 200-8.2 C(1) (a) minimum lot area, 200-8.2 C (1) (b) minimum lot width, 200-8.2 C (1) (d) minimum side yard setback.

Applicant is requesting to construct a single family house on a 1.83 acre lot with 100' frontage located at SBL# 221.00-5-6.3, in violation of the Town of Evans Zoning Law Section 200-8.2 C (1) (a) minimum lot area, 200-8.2 C (1) (b) minimum lot width, and 200-8.2 C (1) (d) minimum side yard setback.

The applicant would construct a house reducing the minimum lot area from 3 acres to 1.83 acres, minimum lot width from 200' to 100' and side yard minimum each side from 35' to 6'.

Present for the appeal was Cathleen Evan and Dean Gregory.

Mr. Gregory stated he always wanted to build a house next to his parent's house. Recently, he and his fiancé was is a car accident and she may never walk again and now he wants to build a house next to his mom so she can take care of his fiancé when he is at work. He stated the vacant lot has numerous dead trees. Mr. Gregory stated the house he found would be 88 feet wide. He stated this is preliminary and can be changed. Mr. Martin, Jr. asked house would the house be situated. Mr. Gregory stated frontward. Mr. Martin, Jr. stated the concern is the property is zoned agricultural for a reason and is not over developed.

Anthony Adamo, 1167 Backus Rd, spoke in favor of the appeal but was concerned about the sewer.
Jim Masterson, 1178 Backus Rd, spoke in favor of the appeal.
Eric Kavalek, 1332 North Creek Rd, spoke in favor of the appeal.
Donna Marranca, 1147 Backus Rd, spoke against the appeal.
Marjorie Barney, 8000 Delamater Rd, spoke against the appeal.

Mr. Martin, Jr. stated the applicant return with a more refined idea. He suggested the applicant speak to a Code Enforcement Officer.

Mr. Kennedy made a motion to table indefinitely, seconded by Mr. Supon.

All in favor:

Mr. Martin, Jr., aye	Mr. Maglich, absent
Ms. Spada, absent	Mr. Kennedy, aye
Mr. LaRusso, absent	Mr. Supon, aye

Richard & Chandra Shaver, 615 Ainsworth Pkwy., Angola NY 14006, is requesting to construct a pole barn, in violation of Town of Evans Zoning Law Section 200-17 A (4) size of accessory structure, and 200-10 C (2) (b) height of an accessory structure.

Applicant is requesting to increase the size of an accessory structure from 900 sqft. to 1200 sqft., in violation of the Town of Evans Zoning Law Section 200-17 A (4) and height of an accessory structure from 16' to 18', in violation of the Town of Evans Zoning Law Section 200-10 C (2) (b).

The applicant has construct a 1200 sqft pole barn, with a height of 18 feet. The applicants have combined the vacant lot with their house.

Present for the appeal was Chandra Shaver and Bruno Niedzwiecki.

Ms. Shaver stated she wants to build a pole barn that will allow her husband's work van and storage upstairs. Mr. Supon asked if the upstairs would be storage only and not living space. Ms. Shaver stated storage only. Mr. Martin, Jr. stated his concern for the height. Mr. Niedwiecki stated the reason for the height is to fit the work van and trusses are cheaper than building.

John Latimore spoke in favor of the appeal.
Kris Kinn, 8140 Lake Shore Rd, spoke against the appeal.

Mr. Martin, Jr. made a motion to approve the size only, seconded by Mr. Kennedy.

All in favor:

Mr. Martin, Jr., aye	**Mr. Maglich, absent**
Ms. Spada, absent	**Mr. Kennedy, aye**
Mr. LaRusso, absent	**Mr. Supon, aye**

Mr. Martin, Jr. asked if there was anything further for the board.

Mr. Martin, Jr. asked for a motion to adjourn to the next scheduled meeting.

Mr. Kennedy made a motion to adjourn, seconded by Mr. Supon.

All in favor:

Vote: Mr. Martin, Jr., aye	**Mr. Maglich, absent**
Ms. Spada, absent	**Mr. Kennedy, aye**
Mr. LaRusso, absent	**Mr. Supon,**

Respectfully Submitted,

Jennifer Renaldo
Secretary